

REMARKS

Claims 1-31 are pending in this application. Claims 1, 2, 5 and 24 stand rejected and claims 3, 4, 6, and 25 are objected to. Applicant wishes to thank the Examiner for the indication of allowance of claims 7-23 and 26-31, and the indication of allowable subject matter in claims 3, 4, 6, and 25. By this amendment, claims 1, 3, 6, 24, and 25 have been amended. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Paragraph 1 of the Office Action rejects claim 24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,665,297 (“Hariguchi”). Applicant respectfully requests reconsideration and withdrawal of this rejection.

Hariguchi was filed on December 9, 1999. The present application claims priority under 35 U.S.C. § 119 to Japanese patent application serial No. 11-98140, filed April 5, 1999. Applicant submits herewith a certified translation of the priority document thereby perfecting the claim for priority. As such, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e) in light of Hariguchi.

Claims 1, 2, and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant’s admitted prior art (AAPA) in view of U.S. Patent No. 6,223,172 (“Hunter”). Applicant respectfully traverses this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references

must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

Among the limitations of independent claim 1 not present in the cited references is a product transfer apparatus wherein the transfer occurs without a microprocessor routing process. In Hunter, the data is forwarded to a CPU for resolution for a default route. If, a route is not found, a CPU is used to perform a longest match search. As such, the system in Hunter does not disclose a packet transfer apparatus where the transfer occurs without a microprocessor routing process. Therefore, Applicant respectfully requests withdrawal of this rejection.

Claim 24 has been amended to include a similar limitation. As such, claim 24 is allowable over the Hunter reference.

Objected to claims 3, 6, and 25 have been rewritten in independent form. As such, the rejection to those claims is moot.

Claims 2 and 5 depend from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested by Hariguchi and are also believed to be directed towards the patentable subject matter. Thus, claims 2 and 5 should also be allowed.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: June 16, 2004

Respectfully submitted,

By 

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